

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FAIR FIGHT ACTION, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official Capacity as Secretary of
State of Georgia, *et al.*,

Defendants.

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Civil Action File

No. 1:18-cv-05391-SCJ

**DEFENDANTS' JANUARY 21, 2022
STATUS REPORT REGARDING DISCOVERY**

Defendants submit this report to the Court in accordance with the Court's November 30, 2021 Order (Doc. No. [641]) (the "Order") requiring weekly discovery status reports. Since the Parties' last status reports were filed, the following has been completed:

I. Status Conference and Continuance of Trial.

On January 20, 2022, the Parties met for a status conference with the Court to discuss the continuance of the trial of this case and other scheduling matters. Pursuant to that status conference, it is Defendants' understanding that the trial is expected to commence on April 11, 2022 and conclude no later than May 16, 2022. Defendants further understand that trial proceedings

likely will be limited or not held during the week of May 2, 2022 to accommodate the Eleventh Circuit's Judicial Conference.¹

As indicated during the Status Conference, the Parties are in discussions regarding appropriate extensions to the pretrial deadlines currently set in this case given the trial's continuance. The Parties will provide additional information to the Court about these deadlines as soon as possible.

II. Status of Depositions.

A. Plaintiffs' Post-2018 Fact Witness Depositions.

As reported in Defendants' prior status report, the depositions of Plaintiffs' new post-2018 election witnesses are now complete.

B. Expert Depositions.

As of the date of this filing, Plaintiffs have not produced the additional documents referenced during the depositions of Drs. Jones and Minnite. Defendants continue to reserve the right to reconvene Dr. Jones's and/or Dr. Minnite's depositions and, as necessary, seek further relief from the Court following production of these documents.

¹ Plaintiffs indicated they would seek to resolve a possible scheduling conflict for lead counsel Allegra Lawrence-Hardy, who is currently scheduled for a two-week jury trial beginning May 5, 2022 in the Superior Court of Fulton County, Georgia.

C. Other Depositions.

The deposition of SEB Member Matt Mashburn was taken this week. The deposition of SEB Member Anh Le, originally scheduled for January 18, 2022, had to be postponed at the last minute due to a medical emergency in Ms. Le's family. The Parties are discussing the rescheduling of Ms. Le's deposition. Ms. Le has also been replaced as an SEB Member effective January 19, 2022 by Dr. Janice Johnston. Defendants have completed the production of documents relevant to Ms. Le's and Mr. Mashburn's testimony, which consisted of public SEB Documents.

Defendants are currently in discussions with Plaintiffs regarding the scheduling of Gabriel Sterling's deposition. Given Mr. Sterling's prior scheduling obligations and commitments, Defendants anticipate that any deposition will take place after January 31, 2022.

Defendants took the deposition Ms. Cianti Stewart-Reid, as the new representative of Fair Fight Action, Inc., on January 20, 2022. The deposition was suspended after a disagreement over the scope of questions about the 2018 and 2020 elections. The Parties will confer and bring this issue to the Court if they are unable to reach an agreement on scope. The Parties are currently discussing dates for the deposition of Rev. Bronson

Woods, as the new representative of Ebenezer Baptist Church. Defendants have agreed to limit Rev. Woods's deposition to two hours.

III. Other Matters.

A. Plaintiffs' Time to Present Evidence at Trial.

Defendants are currently evaluating Plaintiffs' revision of their estimated time to present evidence at trial from eight to fifteen days. As indicated during the status conference, Defendants currently expect their presentation will take between five and seven days, at most, recognizing that their estimate is contingent upon what Plaintiffs do during their presentation. Separate from motions in limine, Defendants are open to coordinating with Plaintiffs on stipulations that could help reduce the time of Plaintiffs' evidentiary presentation.

B. Senator David Perdue.

On January 19, 2022, Plaintiffs filed an Emergency Motion to Exclude Defendants' "May Call" Witness, Senator David Perdue and Memorandum in Support (Plaintiffs' "Motion"). Doc. No. [696]. Defendants intend to file a response to Plaintiffs' Motion by Monday, January 24, 2022, in accordance with the Court's instructions at the status conference.

C. Designations and Objections to Deposition Testimony.

In accordance with the Parties' agreement, Defendants provided to Plaintiffs on January 18, 2022 objections and counter-designations for the witnesses whose testimony Plaintiffs have indicated they would seek to introduce by deposition. Plaintiffs are currently scheduled to respond with any additional objections and counter-counter-designations on or before January 24, 2022 and the Parties intend to meet and confer regarding the same on January 28, 2022.

Respectfully submitted this 21st day of January 2022.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing, DEFENDANTS' JANUARY 21, 2022 STATUS REPORT REGARDING DISCOVERY, was prepared double-spaced in 13-point Century Schoolbook font, approved by the Court in Local Rule 5.1(C).

/s/ Josh Belinfante
Josh Belinfante

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the within and foregoing
**DEFENDANTS' JANUARY 21, 2022 STATUS REPORT REGARDING
DISCOVERY** with the Clerk of Court using the CM/ECF system, which will
automatically send counsel of record e-mail notification of such filing.

This 21st day of January, 2022

/s/ Josh Belinfante
Josh Belinfante